

SB 1234

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 1234
As Amended

SENATE BILL NO. 1234 - By: Jolley of the Senate and Cooksey of the House.

[workers' compensation - affidavits of exemption - effective date]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 75, Chapter 264, O.S.L. 2006 (36 O.S. Supp. 2008, Section 924.4), is amended to read as follows:

Section 924.4 A. Any person who is not required to be covered under a workers' compensation insurance policy or other plan for the payment of workers' compensation may execute an Affidavit of Exempt Status Under the Workers' Compensation Act. The affidavit shall be a form prescribed by the Insurance Commissioner. The affidavit shall be available on the Insurance Department's web site, or shall be mailed to any person upon request and payment by the requestor of a nonrefundable processing fee in an amount to be set by the Commissioner by rule not to exceed Two Dollars and fifty cents (\$2.50).

B. Execution of the affidavit shall establish a rebuttable presumption that the executor is not an employee for purposes of the

1 Workers' Compensation Act and that an individual or company
2 possessing the affidavit is in compliance and therefore shall not be
3 responsible for workers' compensation claims made by the executor.

4 C. Except as otherwise provided in Section 11 of Title 85 of
5 the Oklahoma Statutes, the execution of an affidavit shall not
6 affect the rights or coverage of any employee of the individual
7 executing the affidavit.

8 D. 1. Knowingly providing false information on ~~an~~ a notarized
9 Affidavit of Exempt Status Under the Workers' Compensation Act shall
10 constitute a misdemeanor punishable by a fine not to exceed One
11 Thousand Dollars (\$1,000.00).

12 2. Affidavits shall conspicuously state on the front thereof in
13 at least ten-point, bold-faced print that it is a crime to falsify
14 information on the form.

15 3. The Insurance Commissioner shall immediately notify the
16 Workers' Compensation Fraud Unit in the Office of the Attorney
17 General of any violations or suspected violations of this section.
18 The Commissioner shall cooperate with the Fraud Unit in any
19 investigation involving affidavits executed pursuant to this
20 section.

21 E. Application fees collected pursuant to this section shall be
22 deposited in the State Treasury to the credit of the State Insurance
23 Commissioner's Revolving Fund.

1 SECTION 2. This act shall become effective November 1, 2009.
2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
3 PASS, As Amended and Coauthored.